

REMARKS

Initially, Applicants note that the Examiner has acknowledged Applicants' election of "Species I", including claims 1, 2, 6 and 7. Further, the Examiner has modified the Restriction, mailed August 31, 2006, to also include claims 4, 5, 9 and 10 in the "Species I" grouping, which the Applicants elected with traverse in the Response filed October 2, 2006, and has made the restriction requirement Final. Accordingly, claims 1, 2, 4-7, 9 and 10 have been examined on the merits, and claims 3 and 8 stand withdrawn from consideration by the Examiner with traverse.

Applicants herein reserve the right to file a divisional application directed to the non-elected claimed invention.

Upon entry of the present Amendment, continuing data recited at page 1 of the specification will have been updated and a new Abstract of the Disclosure will have been provided, replacing the existing Abstract at page 88 of the specification. Further, claims 1-10 will be pending, of which claims 3 and 8 have been withdrawn from consideration, and claims 1, 2-7, 9 and 10 stand as originally presented.

Applicants note with appreciation the Examiner's consideration of the documents cited in the Information Disclosure Statements (IDS) filed on May 12, 2004 and July 8, 2005 in the present application. Applicants thank the Examiner for returning, with the afore-noted Office Action, initialed and signed copies of the PTO-1449 Forms that accompanied the May 12, 2004 and July 8, 2005 Information Disclosure Statements. Although the Examiner has initialed and

signed the PTO-1449 Forms, indicating that he has considered English Language Abstracts for JP 10-293566 and JP 10-290550 noted on the May 12, 2004 IDS, and JP 8-161523 noted on the July 8, 2005 IDS, in addition to the other documents cited on the PTO-1449 form of May 12, 2004, the Examiner has inadvertently not initialed next to corresponding foreign patent documents under the "FOREIGN PATENT DOCUMENTS" section of the PTO-1449 Forms. Accordingly, Applicants have included copies of the PTO-1449 Forms for the Examiner's consideration and acknowledgement. Applicants respectfully request that the Examiner consider and initial all of the appropriate blocks on the PTO-1449 Forms, including those corresponding to foreign patent documents JP 10-293566, JP 10-290550 and JP 8-161523. Applicants further request that the Examiner return completed copies of the PTO-1449 forms in the next Office correspondence.

Applicants further note with appreciation the Examiner's acknowledgment of Applicants' claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f), as well as confirming receipt of the certified copy of the priority document in the parent Application No. 09/606,212.

Further, Applicants note that the Examiner has not objected to the drawings. Therefore, Applicants presume the Examiner has accepted the drawings filed January 29, 2004, and respectfully requests said confirmation in the next official communication.

In the outstanding Office Action, mailed October 16, 2006, the Examiner objected to the specification on two grounds: Namely, the abstract of the disclosure does not describe the currently claimed invention; and, the continuing

data section of the specification is outdated. Applicants submit that both objections have been addressed and rendered moot by the Amendments made herein. Thus, Applicants respectfully request that the Examiner withdraw all outstanding objections to the specification.

Further in the outstanding Office Action, the Examiner rejected claims 1, 2, 4-7, 9 and 10 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,313,838 to Michael F. Deering (hereinafter referred to as "DEERING"). Applicants submit that DEERING does not anticipate the claimed subject matter of claims 1, 2, 4-7, 9 and 10 for at least the reasons provided below. Thus, Applicants respectfully request reconsideration and withdrawal of all outstanding rejections, and an indication of allowability of claims 1, 2, 4-7, 9 and 10 in the next Office correspondence.

Contrary to the Examiner's assertions in the outstanding Office Action, DEERING teaches an image processing system for use in a wide variety of video applications that require high resolution graphics, which may include video games, but DEERING does not teach or suggest, alone or in any proper combination, the subject matter recited in, for example, independent claims 1, 4, 6 and 9. DEERING mentions video games in only two instances of the patent, *i.e.*, at column 2, lines 61-67 and column 3, lines 5-12. Although DEERING teaches, for example, at column 3, lines 56-60, a "graphics system [that] may be configured to estimate scene rendering times on a frame-by-frame basis, and then adjust rendering parameters", DEERING does not teach or suggest the claimed subject matter of, *inter alia*, "determining game progress to be made by said frame images, in dependence upon the formation time periods of said

frames, as predicted", much less "changing said determined game progress, in response to an operation input by a player", as recited in, for example, claim 1. Moreover, similar, limiting subject matter is also present in each of, for example, the other remaining independent claims 4, 6 and 9, which is also not taught or suggested by DEERING.

Further, claims 2, 5, 7 and 10 depend from claims 1, 4, 6 and 9, respectively, and are patentably distinguishable for at least the reasons provided above with respect to claims 1, 4, 6 and 9, as well as for additional reasons related to their own recitations. Thus, Applicants submit that the Examiner has not established a *prima facie* case of anticipation, and respectfully request reconsideration and withdrawal of the outstanding Section 102 rejections of claims 1, 2, 4-7, 9 and 10 as being anticipated by DEERING, and allowance of the instant application to mature into a U.S. patent.


SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the Examiner's objections to the specification have been overcome by the Amendments made herein to the specification, including the abstract of the disclosure. It is further submitted that the rejections under 35 U.S.C. § 102(e) in the Office Action dated October 16, 2006, have been rebutted and should be withdrawn. The present Amendment is in proper form, and none of the references teach or suggest applicant's claimed invention. Accordingly, Applicants request timely allowance of the present application.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

Should the Examiner have any questions, please contact the undersigned at the telephone number provided below.

Respectfully Submitted,
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November 29, 2006
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